IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4373 OF 2005
IN
CRIMINAL APPEAL NO. 524 OF 2005

Mallapa Ganganna Tadwal ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. T.A.Takur, Advocate for Applicant

Mr. S.R. Shinde, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 24TH AUGUST, 2005

P. C.:-

1. Heard both sides.

2. The advocate for the applicant states that he is not pressing the prayer for suspension of conviction and he seeks liberty to file separate application in respect of the said prayer. Liberty as prayed for is granted. Thus, this application is being considered only in respect of suspension of sentence.

3. The applicant has been convicted under Section 12 r.w. Section 7 of Prevention of Corruption Act and sentence of three years has been imposed on the applicant.

4. It is stated by the learned advocate for the applicant that the applicant was on bail pending the trial and this liberty has not been misused by him. This statement has not been controverted by the prosecution. It is further submitted by the learned advocate for the applicant that the maximum sentence imposed on the applicant is three years and this appeal is not likely to be heard within the said time.

5. The Supreme Court in the case of **Bhagwan Rama Gosai and Ors. Vs. State of Gujrat reported in (1999) 4 SCC 421,** has observed that if the sentence if of limited duration and the appeal cannot be heard expeditiously, then bail should be granted. It is not possible to hear the present appeal expeditiously. In view of all the facts and circumstances, I am inclined to suspend the sentence and grant bail.

6. The applicant Mallappa Ganganna Tadwal to be released on bail in the sum of Rs.25,000/- with one or two sureties to make the said amount.

7. Application is disposed of.

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